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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 MYKAL S. RYAN,

11 Plaintiff,

12 v.

13 TIMOTHY M. HYDEN, et. al.,

14 Defendants.

Civil No. 13cv0090 JAH (KSC)

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION
[Doc. No. 131]**

15 Plaintiff, appearing *pro se*, filed a motion for reconsideration of this Court's order
16 denying his motion for recusal. Rule 60(b) of the Federal Rules of Civil Procedure permits
17 a court to relieve a party from judgment or an order for (1) mistake, inadvertence, surprise,
18 or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation or
19 misconduct; (4) the judgment is void; (5) the judgment has been satisfied, released or
20 discharged; or (6) any other reason that justifies relief.

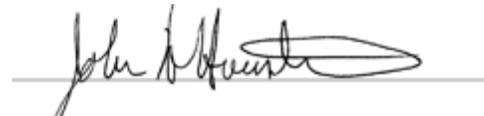
21 Plaintiff argues the Court erred in failing to recuse from the action. He reiterates
22 argument made in support of his original motion and further argues the Court ignored
23 Liteky v. United States, 510 U.S. 540 (1994). In Liteky, the Supreme Court discussed the
24 "extrajudicial source" doctrine and determined that while an "extrajudicial source" is not
25 necessary, "judicial rulings alone almost never constitute a valid basis for a bias or
26 partiality motion." Id. at 554 - 55. The Court further explained that "only in the rarest
27 circumstances," will judicial rulings "evidence the degree of favoritism or antagonism
28 required. . .when no extrajudicial source is involved." Id.

1 Although this Court found Plaintiff's allegations centered around judicial
2 proceedings and not a extrajudicial source, the Court also found no circumstances
3 supporting a personal bias or prejudice existed and that Plaintiff failed to present any
4 grounds to demonstrate this Court has acted improperly. Furthermore, Plaintiff's
5 allegations of misconduct which center around this Court's rejection of his many
6 documents do not evidence favoritism or antagonism as required for recusal.

7 Therefore, Plaintiff fails to demonstrate reconsideration is warranted.

8 Accordingly, IT IS HEREBY ORDERED Plaintiffs' motion for reconsideration is
9 **DENIED.**

10 DATED: September 16, 2013

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12 JOHN A. HOUSTON
13 United States District Judge
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